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NATIONAL TELEVISION VIOLENCE STUDY
DEPARTMENT OF COMMUNICATION
TEL: 805-893-8740
FAX: 805-893-7390

SANTA BARBARA, CALIFORNIA 93106

November 20, 1995

Office of the Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, DC 20554

To Whom it May Concern:

I am submitting the enclosed reply comments for the FCC's current children's television rule-making proceeding. Although the initial deadline established for replies fell last week, I withheld this submission because of the temporary government shut-down associated with the budget crisis. My understanding was that the Commission was closed and that deliveries would not be accepted. I trust its delivery now will be acceptable.

Sincerely yours,

Dale Kunkel

Dale Kunkel

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of	)	
	)	
Policies and Rules Concerning	)	
Children's Television Programming	)	MM Docket No. 93-48
	)	
Revision of Programming Policies	)	
for Television Broadcast Stations	)	

REPLY COMMENTS OF DALE KUNKEL, Ph.D.

Dept. Of Communication
University of California, Santa Barbara
Santa Barbara, CA 93106
(805) 893-3278
kunkel@alishaw.ucsb.edu

November 20, 1995

SUMMARY OF COMMENTS

These comments demonstrate clearly that the data collected by the NAB and reported to the Commission in the current proceeding suffer from a number of severe methodological limitations. First, the nature of their evidence, self-reports from interested parties who have a stake in the outcome of the research, introduces significant risk of biased responses. Second, the sample of stations included in the analysis suffers selection bias because respondents were allowed to determine who would be included or excluded in the study, generating a sample of convenience that is not representative of the industry as a whole. Third, the definition of educational content included in the NAB's survey failed to incorporate the most fundamental aspect of the Children's Television Act requirements, that is, programming "specifically designed" to serve the educational needs of children. This would lead many respondents to claim programs that are educational but not "specifically designed" and thus artificially inflate the findings of the research. Indeed, it is impossible for a reader of this study to know exactly what the NAB has actually counted in its totals of educational content because the researchers fail to provide *absolutely any* account of the programs that were claimed by stations responding to the survey. And finally, the NAB study employs an artificial base-line generated by four-year old guesswork in order to argue that the current level of educational programming represents a significant improvement since the Children's Television Act was adopted. That measure does not represent a valid estimate of the educational programming that existed prior to the influence of the Children's Television Act.

Given these many shortcomings, the NAB study does not provide any credible evidence that the Children's Television Act is accomplishing the goals intended by Congress.

The opposite interpretation, that the Children's Television Act has not been effective, is supported by the Kunkel/Goette study. This research evidence relied upon formal legal statements submitted to the FCC as its data. The study was based on a scientifically selected sample that has strong generalizability to the population of all television stations, unlike the NAB's research. The

definition of programs analyzed in the report differentiated "specifically designed" content from other types of programs that might serve children's educational needs. And finally, in assessing the impact of change over time from the influence of the Children's Television Act, the Kunkel/Goette study relied on a base-line measure of educational programming that was gathered in a timely fashion, rather than creating a retrospective estimate as did the NAB's research.

The Commission is to be commended for its heightened interest in obtaining empirical evidence to help inform policy-making decisions in this area. But with that commitment comes a responsibility that the FCC must now assume, namely weighing the relative merits of the evidence that is submitted for consideration. In cases where the findings of different studies diverge sharply, as they do in the current proceeding, the analysis of methodological issues in research takes on added significance. The Commission should devote time and effort to the careful scrutiny of the data reported in the Kunkel/Goette and NAB studies. These comments should prove helpful in that regard.

Before the
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REPLY COMMENTS OF DALE KUNKEL, Ph.D.

Several parties have provided evidence in this proceeding that characterizes the amount of children's educational programming provided by the broadcast industry in response to the Children's Television Act. In particular, the National Association of Broadcasters has submitted a study[1] that claims a substantial increase in children's educational programming since the Children's Television Act was passed. In contrast, a study I have submitted[2] indicates no change has occurred in the overall level of educational content specifically designed for children between 1992 and 1994. The primary focus of these reply comments is to compare the methodologies employed in the collection of data for these two studies. More careful scrutiny of the details of these two studies should be helpful in interpreting their results and in reconciling some of their differences.

In investigating any topic that is the focus of research, there are always a wide range of methods and strategies that can be employed. The process of defining key variables that will be examined as well as selecting a sample from which data will be collected are two examples of decisions that can have profound impacts on a study's findings. In the academic community,

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1. Richard V. Ducey and Mark R. Fratrik, "The 1990 Children's Television Act: A Second Look on its Impact." October 16, 1995. National Association of Broadcasters.

2. Dale Kunkel and Ursula Goette, "Broadcasters' Response to the Children's Television Act." October 12, 1995. University of California, Santa Barbara.

it is not unusual for two studies that purport to examine the same phenomenon to produce two different findings or results. This does not mean the two studies simply cancel one another out because one says X and the other says Y. Rather, this situation poses a challenge for the research community, which must then analyze each of the studies in order to determine which is more valid and why. Such judgments are reached on the basis of an evaluation of the research procedures employed in each of the studies.

At the most basic level of data collection, both the Kunkel/Goette study and the NAB study address the same fundamental research question: What children's educational programming is provided on this station? The responses gathered from individual stations are then aggregated to yield a picture of the industry's overall performance. The two studies are quite different, however, in the way in which they obtain answers to this research question. In evaluating the merits of these two studies, there are four important points of comparison to consider. These include: (1) the nature of their data; (2) the sample of stations examined; (3) the definition of educational content employed, and; (4) the base line used for measuring change over time in children's educational programming. Each of these topics is addressed in turn below.

Nature of the Data

Bias exists to some degree in every study, but not every study is equally biased. In general, however, measurement that avoids or minimizes *reactivity bias* on the part of subjects is considered the most valid approach to data collection. When a research question is posed directly to a subject, one must be concerned that the response given may be influenced by factors such as social desirability or the subject's desire to influence the outcomes of the research. Bias associated with social desirability concerns explains why parents often underestimate their children's television viewing when asked by researchers to report such behavior. It is not socially acceptable to allow one's child to watch a great deal of television; although many parents do, they are unlikely to report that fact publicly and tend to provide estimates that understate the child's true amount of

television exposure. Thus, relying on parental reports would be a highly biased means of measuring children's television viewing; alternative approaches would yield more accurate information.

Another common bias associated with direct questioning/self-report data involves the subjects' desire to influence the outcomes of research when the subject is aware of the purpose for which the data are gathered. This reportedly occurs with Nielsen television viewing diaries, when subjects miss viewing a favorite program but list it anyway in their diary in order to help boost the ratings for that show. If the respondent was unfamiliar with the purpose of the research, such bias would not occur. In contrast, when the researcher's purpose is communicated directly to the subject, the risk is high that reactivity bias will influence the data when the respondent has any interest in the outcomes of the study.

Now apply these principles to a comparison of the Kunkel/Goette and NAB studies. The Kunkel/Goette study uses as its source of data what is known in the research community as archival data; that is, information that has been collected previously by another source for another purpose. In this case, the information consists of claims about children's educational programming submitted by stations as part of the formal legal process of license renewal with the FCC. The integrity of information submitted to the FCC as part of the licensing process is generally considered to be above reproach, as the Commission has consistently held that any misrepresentations are serious violations of its rules. The data for this study, then, avoid any reactivity bias that would be associated with revealing the researcher's purpose to the respondents through asking them a research question directly and allowing them to respond anonymously, potentially biasing their accounts in their own self-interest. Responses to the research question (i.e., What children's educational programming is provided on this station?) are based upon information from a pre-existing legal record, with each respondent publicly accountable for their claims about what content qualifies as educational.

In contrast, the NAB study gathered data by distributing self-report questionnaires to most

commercial television broadcasters. The researchers' purpose in conducting the study was made plain to each prospective respondent in the announcement that accompanied the questionnaire (see Appendix 1 of NAB study). This announcement from the NAB reads:

> We need your help .... In response to recent FCC activity, NAB is collecting additional data from commercial television stations to help document the industry's response to the Children's Television Act of 1990.

Such an announcement maximizes the potential bias of respondents, alerting them to the opportunity to provide responses that serve their own self-interest. Given the promise in the NAB's survey instructions that responses would remain confidential, there is no accountability should a station inflate its report of educational programming through a liberal interpretation of what material qualifies under the definition. Moreover, communicating the purpose of the research to the respondents may also influence who would be most likely to respond or not respond to the research solicitation. This latter concern will be addressed in the subsequent section comparing the samples of the two studies.

In conclusion, then, the Kunkel/Goette study reports data that were gathered in a formal legal setting avoiding reactivity bias. The NAB study relies on data that were gathered with a promise of confidentiality that subverts any accountability for the accuracy of responses. Moreover, the format employed for soliciting data for the NAB study communicated the researchers' intent in a fashion that would maximize the subjects' reactivity bias.

Sample of Stations

The key aspect of a research sample is the extent to which it is representative of a larger population of interest. Representativeness is what affords generalizability, or the broader application of a study's findings to all members of that class. Studies vary in their representativeness and thus in their generalizability primarily as a function of the strategy employed for selecting a sample. Note that the sampling *strategy* is the most important determinant here, and not the sample size.

Public opinion researchers can predict who will be elected President in advance of an election by sampling the voting preferences of a relatively small number of people. Typically no more than one thousand subjects are needed to generalize a study's findings to the population of all American voters, although not just any one thousand respondents will do. The key to successful prediction in this case is not the size of the sample, but its representativeness of the important demographic elements of the overall population. A sample of one thousand voters that was carefully selected would provide much more accurate data than would a sample ten times as large that was gathered haphazardly.

Representativeness in sampling is accomplished through two complementary strategies. First, important mediating variables that are known to hold a systematic relationship with the actual variable of interest in a study must be identified and controlled to reflect their proper proportion in the overall population. This process is known as stratification. In Presidential voting, for example, factors such as party affiliation and gender would likely be important mediating variables. Thus, a researcher who wanted to generalize to the overall population would stratify on these two factors, insuring that the number of women and men (or Democrats and Republicans) included in the sample would reflect their same relative proportion in the overall population of voters. This strategy enhances the sample's generalizability. Beyond any factors that require stratification, however, a study's generalizability is enhanced to the extent that it relies on random selection to determine who is included in the sample.

It is a basic principle of probability sampling that a sample will be more representative of the population from which it is selected if all members of the population have an equal, or random, chance of being included. Thus, random samples are considered superior to convenience samples or samples that suffer from selection bias. Selection bias occurs when the research procedures lead to one sub-group in the population being more heavily represented in the sample than others. For example, if public opinion polling were conducted by going door-to-door during daylight hours and everyone who was at home was included in the study, it is likely that a disproportionate

number of non-employed housewives would be included in the sample. The decision to sample only people who are at home during the day would create selection bias because certain types of people have a much greater chance of being selected for the sample than others. When selection bias exists, generalizability is low.

In the Kunkel/Goette study, the sample was drawn from the license renewal applications of stations with a renewal date between April 1 and August 1, 1994. Because no renewals are scheduled during 1995, these files represent the most recent information available from this source, which as noted above offers the most credible measure of children's educational programming. Because license renewal processing is organized geographically by the FCC, the stations that were available for sampling were concentrated in the Northeastern sector of the United States. Given the fact that most television programming distributed in the U.S., whether network or syndicated product, is broadcast in at least 80-90% of television markets nationally, there is no reason to believe that television for children in this portion of the country is any different than in other portions of the country. With television stations scheduled for license renewal once every five years, at least 20% of U.S. licensees would be expected to be up for renewal in any given year and thus would be eligible for this sample. This is a significant base of stations, and the Kunkel/Goette study employed two key strategies to maximize the generalizability of the actual sample selected from this base.

First, all stations were stratified into four tiers by their market size (1-25; 26-50; 51-100; 101+). Second, stations were randomly selected for inclusion in the sample, with a stratification quota established such that each of the four tiers would include an equal number of stations. This was done to guard against the sample including a disproportionate amount of small or large market stations, either of which might have biased the findings of the study if systematic differences exist between the children's programming practices for any of these groups. Most importantly, stations could not refuse or opt out of the study by failing to respond. A station's inclusion in the sample was determined by random chance, not by any action of the respondent, thus avoiding selection

bias and enhancing representativeness of the sample. In sum, the Kunkel/Goette sampling strategy employs two key tactics that strengthen its generalizability: (1) it stratifies to insure balance on an important variable (market size) that might bias the results if not properly controlled, and (2) it utilizes random assignment to select its sample of stations, thereby avoiding selection bias.

In contrast, the NAB study suffers several serious problems associated with selection bias in its sample. First, the study's questionnaire was distributed only to stations with known fax numbers. The fact that stations which lack fax machines are most likely to be small market stations with modest economic resources suggests this group of broadcasters may not provide the same level of children's educational programming as other stations. The decision to exclude this group from the study at the outset introduces selection bias that limits the generalizability of the sample.

The more significant problem with the NAB's sample involves selection bias associated with the fact that only 60% of the stations solicited actually responded to the survey questionnaire. The issue here is the question of whether the 60% of stations that responded are in any way different than the 40% that did not respond. This issue is central to evaluating the generalizability of the study and would be a principal focus for any peer review of the research. Inexplicably, the NAB study provides absolutely no descriptive information about the nature of the stations included in its sample to help address this concern.

Is there a balance of stations across the market-size rankings? One cannot tell from the scant methodological information in the NAB report. The NAB researchers apparently believe market-size is an important factor, and they report analyses that break down the performance of stations using the same four tier framework employed in the Kunkel/Goette research. The NAB study, however, neglects to provide any indication of the number of stations in each of these four market size groupings that responded to its survey. The sample might be heavily biased in favor of large markets, small markets, or possibly even well distributed across the four market-size tiers. But it is impossible for a reader to evaluate this crucial consideration because the study does not report this basic descriptive information about its sample.

Even assuming that a balanced distribution exists across the market-size rankings, there are other concerns associated with selection bias in the NAB's sample. Because the purpose of the research was communicated overtly to the potential respondents, one must be concerned that stations that deliver a strong children's programming schedule would be more likely to reply to the questionnaire than stations that do not. This type of selection bias cannot be discerned through any descriptive characterization of the sample, but its risk is high because of the procedures used for this research, which communicated the purpose of the research directly to the subjects.

The preferred technique that would have avoided selection bias and enhanced the generalizability of the NAB's sample would have been to randomly select stations from among a list of all broadcasters nationwide, to stratify according to market size, and then to follow-up aggressively with the selected stations to assure that all of the targeted respondents delivered usable data for the research. This strategy would yield a sample that was randomly selected and thus representative of the overall population of television stations.

Rather than conducting a controlled research project that would yield representative findings, however, the NAB's strategy of reporting data from only those stations that chose to respond to its "call for help" generates what is known as a convenience sample with an obvious selection bias. From a scientific perspective, the NAB's sampling strategy represents an extremely weak approach that is widely regarded as inferior to the process of random selection employed by the Kunkel/Goette study.

The fact that the size of the NAB's sample (N=559) is substantially larger than the Kunkel/Goette study (N=48) may appear to the layperson as an advantage. In fact, the size differential is irrelevant from an inferential perspective. The crucial factor in the generalizability of these studies is the process by which their samples were selected, which determines the extent to which the data are representative of the overall population. On this criterion, the data reported by the Kunkel/Goette study clearly warrant much greater confidence than the data reported by the NAB.

Definition of Educational Content

The Commission is no doubt becoming increasingly sensitive to the importance of subtleties and nuances in the language employed in defining what material qualifies as educational. Those who understand well the Children's Television Act requirements appreciate that there are two distinct types of program service that may be counted by stations toward fulfillment of their obligation to children: (1) programming intended for general audiences that offers some educational value for children, and; (2) programming that is specifically designed to serve the educational and informational needs of children. The first category is generally referred to as "overall" programming and the second is labeled "specifically designed" content.

While this distinction is indicated clearly in the original statute and is also explicated in the FCC's implementation order that establishes rules in this area, it is clear that many broadcasters have yet to grasp the importance of this framework. As noted in the Kunkel/Goette study, 10% of stations claimed no "specifically designed" content in their license renewal applications. It defies logic that a station would knowingly fail to report the fulfillment of an essential obligation of which it was aware. The most obvious explanation is that these stations do not recognize the importance of differentiating these two types of service to children.

Given this situation, it is extremely problematic that the definition of educational programming used by the NAB for its research questionnaire omitted any reference to the "specifically designed" concept that is referenced in the Act. As a result, it is likely that some stations would have included in their responses programming that would not properly qualify as "specifically designed." The NAB's instructions stipulated that "You should use exactly the same criteria you now apply in deciding which children's programming to list in your public file..." This further confuses the issue because both types of program service should be contained in that listing. Yet it is the "core" category of specifically designed content that has consistently been the focus of debate in this matter and the NAB clearly implies that they have measured this category of

content with their study. In fact, the lack of precision in the definition employed for the NAB study raises concern about the nature of the content that stations listed in their responses to the survey.

Perhaps the most troubling aspect of the NAB study is that it fails to report even a single example of the programs that stations claimed as children's educational content. It has been well established that many stations interpret the definition of educational programming quite liberally. This trend is documented most recently in the Kunkel/Goette study, which provides a comprehensive list of every program claimed as "specifically designed" educational content by stations in its sample. In the Kunkel/Goette study, stations claimed shows such as "Yogi Bear" and "America's Funniest Home Videos" as specifically designed educational programs. Without any accounting of the content categorized as educational in the NAB research, one cannot know what the numbers in that study represent. The NAB's finding that stations average roughly four hours/week of educational content may be an extreme exaggeration of the actual amount of educational programming aired, or it might be a fairly accurate assessment. Unfortunately, it is impossible to differentiate this because of the incomplete nature of the information contained in the NAB report.

In the absence of any further documentation regarding the programming categorized as educational, it would be irresponsible for the Commission to accept the NAB's findings as a legitimate analysis. The hallmark of credible, scientific research is that its methods and measures are stipulated thoroughly and precisely in a manner that allows other researchers as well as knowledgeable consumers of research to evaluate the quality of the information provided. In this case, the NAB study provides absolutely no evidence to support the fundamental validity of its most central measure, that of the amount of children's educational programming.

The Kunkel/Goette study employed a much different approach for identifying and tallying educational children's content. The researchers reviewed the claims contained in license renewal

files and classified them as "specifically designed" or "overall" programming according to the descriptions provided by the broadcaster. Footnote 3 of the study (p. 3) notes:

> In order to be fair to broadcasters, we did not require explicit use of the term "specifically designed" in order for claims to be counted in this category. For example, if a station submitted two lists of programming, one titled "Core Programming" and another "Programs that Count Toward FCC Requirements," we would consider the core list as representing that station's "specifically designed" content. The essential element was that the station's report differentiated programming intended for general audiences from programming intended to educate/inform child audiences.

This differentiation could be communicated in the individual description accompanying a show, through the heading placed atop a list of programs, or by any other means that suggested this distinction. The coders who categorized the stations' claims evidenced a high degree of consistency in their judgments, agreeing 95% of the time on this measure in reliability analyses. Thus, one can be confident that the data reported in the Kunkel/Goette study truly reflect material stations intended to claim as "specifically designed" content. (Note that this is a separate issue from the legitimacy of such claims.) In contrast, the NAB study's failure to employ the "specifically designed" terminology in its definition raises the concern that stations included in their survey responses programs that served the educational needs of children but which would not be designated as "specifically designed."

Measuring Change over Time in Children's Educational Programming

Both the Kunkel/Goette study and the NAB research present comparisons over time that seek to demonstrate the relative increase or decrease of children's educational programming as compared to the past. Specifically, both studies aim to capture any change that has occurred as a result of the Children's Television Act. Once again the two studies diverge, this time in their strategies for measuring the relevant change over time in children's programming practices.

The NAB's current research is a replication of a previous study[3] it reported to the Commission at the en banc hearing on children's television held in June, 1994. In the previous study, the NAB researchers employed essentially the same methods as in the current report. They distributed a self-report survey to the industry in May 1994 and asked stations to report the children's educational programs they had aired in Fall, 1993. But this information alone could not demonstrate any *change* in children's educational programming as a result of the Children's Television Act because no previous study had established a base-line documenting the level of such content aired by broadcasters before the law was adopted by Congress. Without any base-line as a point of comparison, the issue of change over time could not be addressed by research.

Clearly, the NAB researchers sought to demonstrate an increase in children's educational programming as a result of the Act. But without any previous data, the only means to accomplish this goal was for the researchers to artificially create a base-line indicating how much such content was aired in the past. This was done by asking respondents in the earlier study conducted in 1994 to retrospectively list the children's educational programs their station had aired in 1990. The responses to this retrospective report were then used as a base-line by the NAB to facilitate comparisons and to characterize "change" in programming practices as compared to the past.

The obvious problem with this strategy involves the limitations inherent in four year old retrospective reports. The accuracy and completeness of these accounts would have to be considered highly suspect first simply as a function of the passage of such a long period of time. Many of the shows in question would no longer be on the air and might not be familiar to those completing the surveys. In addition, however, it must be recognized that stations did not categorize or log their children's programming in 1990 because there was no law requiring them

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3. Richard V. Ducey & Mark R. Fratrik, "The 1990 Children's Television Act: Its Impact on the Amount of Educational and Informational Programming." June 28, 1994. National Association of Broadcasters.

to do so. Thus, respondents were asked to *guess* whether or not such content would have been classified as educational at the time if such judgments had been required then. This is a task that presumably would require the judgment of high-level management to legitimately ascertain, yet we have no information about the nature of the parties who actually completed the surveys or how they reached their decisions. What this base-line likely represents is the guesswork of lower-level employees who lack the authority to make regulatory decisions for a station, and may in fact not even have worked at the station during the time period they were asked to evaluate.

From a scientific perspective, this approach to estimating the amount of children's educational programming aired prior to the Children's Television Act is simply not an acceptable means of measurement. Retrospective measures suffer bias that is separate and independent from the biases already identified in the NAB's research procedures. To compare two data sets over time and to report change scores for them, it is essential that the measures for both are equivalent. The measures should reflect not only the same definitions but also the same procedures for gathering of the information. Clearly, these conditions are not met in this case.

The NAB's estimate of the 1990 level of children's educational programming cannot be accepted as a valid indication of past programming practices. Indeed, if the NAB is accurate in reporting that stations aired approximately two hours of such content in 1990, then its data would fly in the face of the contentions presented to Congress by industry representatives in hearings considering the Children's Television Act. At that time, industry officials repeatedly asserted that they were delivering significant amounts of children's educational programming[4].

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4. See for example testimony of William P. Castleman (on behalf of Association of Independent Television Stations) and Glenn Wright (on behalf of National Association of Broadcasters) at hearings before the House Subcommittee on Telecommunications and Finance, April 6, 1989; and testimony of Edward O. Fritts (President, National Association of Broadcasters) at hearings before the Senate Subcommittee on Communications, July 12, 1989.

In contrast, the Kunkel/Goette study takes a much different approach to assessing change over time in children's programming. The findings from this study were compared to the findings produced by Kunkel and Canepa[5] in an earlier study that employed the identical measures and methodology for all aspects of the research. The Kunkel/Canepa study examined stations' license renewal claims during 1992. Most of these cases reported program efforts from either the fourth quarter of 1991 (October-December) or that quarter plus the first quarter of 1992 (January-March). Using the findings from the 1992 study as a base-line, the 1994 data indicated that no increase had occurred in children's educational programming: the industry-wide average for "specifically designed" content was identical in both studies at 3.4 hours/week.

There is no question that the statistical comparison across these two studies is a valid one because the method and procedures for both is identical. An issue remains, however, in terms of how the data are to be interpreted. It is my belief that the educational programming delivered by stations in 1991-92 represents an accurate base-line or starting point for assessing the future impact of the Children's Television Act on programming practices. This period was concurrent with the Act initially taking effect in October , 1991 and it was obvious that few if any new program efforts were introduced immediately in response to the law. As the Kunkel/Canepa study demonstrated, the industry's initial response to the requirements was largely to re-label existing programs as educational. When confronted with the results of this research or similar findings produced by others[6], industry officials often stated that the studies were premature in terms of judging the industry -- that it would take time to create and produce new programs in response to the law.

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5. Dale Kunkel & Julie Canepa, "Broadcasters' License Renewal Claims Regarding Children's Educational Programming." Journal of Broadcasting and Electronic Media, 1994, 397-416.

6. Center for Media Education/Institute for Public Representation of the Georgetown University Public Law Center, "A Report on Station Compliance with the Children's Television Act." 1992, Center for Media Education.

Taking into account these industry assertions, as well as the typical pace for the production of new children's programming, I do not believe the broadcast industry had altered its previaling pattern of children's programming in the early part of the television season (1991-92) immediately following implementation of the Children's Television Act. Clearly, the industry was just beginning to adapt to the new regulatory framework and the time lag inherent in the production process meant that stations virtually could not have aired shows that were developed after the FCC issued its rules in this area (rules were issued in April and August of 1991). Thus, I do not believe that the overall level of children's educational programming was significantly different in 1991-92 than in 1990.

Unfortunately, we do not have valid measures of the amount of such content aired in 1990 because stations were not required to report their children's programming efforts then. The Kunkel/Canepa study, however, does provide detailed information about the industry's program efforts during the 1991-92 television season. As such, it represents the most appropriate base-line of evidence regarding the level of children's educational programming that existed *prior to any influence from the Children's Television Act.* When one compares the current level of children's educational programming to this base-line, it is clear that the broadcast industry has not significantly increased their efforts in response to the law. The only means by which such an increase can be demonstrated is by comparing the current level of service to the artificially created, retrospective base-line generated by the NAB's 1994 research. As noted above, this evidence was not gathered in a valid scientific manner.

The perspective one takes on which of the estimates of children's educational programming is the most appropriate base-line to employ for comparisons is a crucial issue. If the Kunkel/Canepa data from 1991-92 are used as the basis, we can see that even accepting the data from the NAB's current study as legitimate would yield an increase of only 18% (from 3.4 to approximately 4 hours per week), or about one-half hour per week, in educational programming in response to the Children's Television Act. Of course, it is clear that not all of these claims of

educational programming are appropriate and thus the increase cannot be reliably pegged at 18% nor can the overall amount of truly educational programming be reported as 4.0 hours. These data represent only *claims* of children's educational programming from the broadcast industry, and it is clear that those claims are still embellished to an unacceptable degree.

Summary

These comments demonstrate clearly that the data collected by the NAB and reported to the Commission in the current proceeding suffer from a number of severe methodological limitations. First, the nature of their evidence, self-reports from interested parties who have a stake in the outcome of the research, introduces significant risk of biased responses. Second, the sample of stations included in the analysis suffers selection bias because respondents were allowed to determine who would be included or excluded in the study, generating a sample of convenience that is not representative of the industry as a whole. Third, the definition of educational content included in the NAB's survey failed to incorporate the most fundamental aspect of the Children's Television Act requirements, that is, programming "specifically designed" to serve the educational needs of children. This would lead many respondents to claim programs that are educational but not "specifically designed" and thus artificially inflate the findings of the research. Indeed, it is impossible for a reader of this study to know exactly what the NAB has actually counted in its totals of educational content because the researchers fail to provide *absolutely any* account of the programs that were claimed by stations responding to the survey. And finally, the NAB study employs an artificial base-line generated by four-year old guesswork in order to argue that the current level of educational programming represents a significant improvement since the Children's Television Act was adopted. As demonstrated above, that measure does not represent a valid estimate of the educational programming that existed prior to the influence of the Children's Television Act.

Given these many shortcomings, the NAB study does not provide any credible evidence that the Children's Television Act is accomplishing the goals intended by Congress. In fact, the

opposite interpretation, that the Children's Television Act has not been effective, is supported by the Kunkel/Goette study. This research evidence relied upon formal legal statements submitted to the FCC as its data. The study was based on a scientifically selected sample that has strong generalizability to the population of all television stations, unlike the NAB's research. The definition of programs analyzed in the report differentiated "specifically designed" content from other types of programs that might serve children's educational needs. And finally, in assessing the impact of change over time from the influence of the Children's Television Act, the Kunkel/Goette study relied on a base-line measure of educational programming that was gathered in a timely fashion, rather than creating a retrospective estimate as did the NAB's research.

The Commission is to be commended for its heightened interest in obtaining empirical evidence to help inform policy-making decisions in this area. But with that commitment comes a responsibility that the FCC must now assume, namely weighing the relative merits of the evidence that is submitted for consideration. In cases where the findings of different studies diverge sharply, as they do in the current proceeding, the analysis of methodological issues in research takes on added significance. I urge the Commission to devote time and effort to the careful scrutiny of the data reported in the Kunkel/Goette and NAB studies.

Bear in mind that the previous Kunkel/Canepa study, which employed the identical methodological techniques as the current Kunkel/Goette research, was published in a top-ranked, peer-reviewed academic journal, the Journal of Broadcasting and Electronic Media[7]. The Kunkel/Goette study will be submitted for publication shortly and will no doubt achieve the same recognition. Interestingly enough, this particular journal is published by the Broadcast Education Association, the academic organization affiliated with the NAB. In contrast, the NAB's study lacks the methodological rigor to survive any credible peer-review process.

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7. See note 5 for citation.

After weighing all the factors relevant to the data collected in these two studies, the Commission should conclude that the Kunkel/Goette study employs superior methodological techniques as compared to the NAB research, and thus provides the more accurate assessment of children's programming efforts.

Respectfully submitted,

Dale Kunkel, Ph.D.

Dept. of Communication
University of California, Santa Barbara
Santa Barbara, CA 93106

internet: kunkel@alishaw.ucsb.edu

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